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16 **UNITED STATES DISTRICT COURT**
17
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 RICHARD KADREY, *et al.*,
21 Individual and Representative Plaintiffs,
22 v.
23 META PLATFORMS, INC., a Delaware
corporation;
24 Defendant.

Case No. 3:23-cv-03417-VC-TSH

**UNOPPOSED ADMINISTRATIVE MOTION TO
FILE UNDER SEAL EXHIBIT TO JOINT
DISCOVERY LETTER BRIEF**

Pursuant to Civil Local Rule 79-5(c)–(e), Defendant Meta Platforms, Inc. (“Meta”) moves this Court for an Order allowing Meta to file under seal a confidential, unredacted version of a document relating to the Parties’ Joint Discovery Letter regarding Meta’s Responses to Plaintiffs’ First and Second Sets of Requests for Admission (“Joint Letter Brief”). Meta respectfully submits that good cause exists for the filing of this document under seal. The motion is based on the following Memorandum of Points and Authorities and the Declaration of Nikki Vo in support of this Unopposed Administrative Motion to File Under Seal.

The following chart lists the document for which Meta requests sealing in order to protect Meta’s confidential business information.

Document	Sealing Request
Exhibit A to Joint Letter Brief	<ul style="list-style-type: none"> Redacted portions

A [Proposed] Order is filed concurrently herewith, and Meta refers the Court to the Joint Letter Brief itself and the supporting evidence attached thereto as further support for this Unopposed Administrative Motion.

I. LEGAL ARGUMENT

Though the presumption of public access to judicial proceedings and records is strong, it “is not absolute.” *Nixon v. Warner Commc’ns. Inc.*, 435 U.S. 589, 598 (1978). The Ninth Circuit treats documents “attached to dispositive motions differently from records [*i.e.*, documents] attached to non-dispositive motions.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). For non-dispositive motions, such as the Parties’ Joint Letter Brief, the “good cause” standard applies. *OpenTV v. Apple*, No. 14-cv-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015); *Kamakana*, 447 F.3d at 1180 (“A ‘good cause’ showing will suffice to seal documents produced in discovery.”). The Federal Rules afford district courts “flexibility in balancing and protecting the interests of private parties.” *Kamakana*, 447 F.3d at 1180; *DSS Tech. Mgmt. v. Apple*, No. 14-cv-05330-HSG, 2020 WL 210318, at *8 (N.D. Cal. Jan. 14, 2020), *aff’d*, 845 F. App’x 963 (Fed. Cir. 2021) (finding good cause to seal “confidential business and proprietary information”).

1 The redacted portions of Exhibit A to the Joint Letter Brief contain Meta’s confidential
 2 information, for which Meta requests sealing. The redacted portions of Exhibit A to the Joint Letter
 3 Brief are responses to Plaintiffs’ Requests for Admission that Meta had designated
 4 “CONFIDENTIAL” under the Protective Order and refer to highly sensitive, non-public
 5 information concerning Meta’s business practices surrounding its Llama models and the datasets
 6 used to train the Llama models. Meta must request sealing of these materials, as this information
 7 is highly confidential, and Meta takes steps to carefully protect the confidentiality of information
 8 of this sort, as disclosure has the potential to cause significant competitive injury to Meta. *See, e.g.,*
 9 *Krieger v. Atheros Commc’ns, Inc.*, No. 11-CV-640-LHK, 2011 WL 2550831, at *1 (N.D. Cal.
 10 Jun. 25, 2011) (finding information regarding party’s “long-term financial projections, discussions
 11 of business strategy, and competitive analyses” sealable); *Space Data Corp. v. Alphabet Inc.*, No.
 12 16-CV-03260-BLF, 2019 WL 285799, at *1 (N.D. Cal. Jan. 22, 2019) (finding information
 13 regarding party’s confidential and proprietary technical information, and sensitive financial
 14 information sealable). These sealing requests are critical to protect Meta’s confidential sensitive
 15 technical and competitive information.

16 The specific basis for sealing this document is outlined in the accompanying declaration of
 17 Meta’s Director and Associate General Counsel, Nikki Vo. As outlined in Ms. Vo’s declaration,
 18 disclosure of the protected information contained in the materials Meta seeks to seal would cause
 19 competitive harm to Meta if this information is publicly disclosed. Meta’s sealing requests and
 20 proposed redactions are narrowly tailored to include only that information which would cause
 21 specific, articulable harm, as identified in Ms. Vo’s declaration. In each instance, the harm to Meta
 22 outweighs the public’s interest in disclosure. *See, e.g., In re iPhone App. Litig.*, No. 11-md-02250-
 23 LHK, 2013 WL 12335013, at *2 (N.D. Cal. Nov. 25, 2013) (granting motion to seal where the
 24 defendant’s interest in “maintaining the confidentiality of information about its technology and
 25 internal business operations” outweighed that of the public in accessing such documents).

26 II. CONCLUSION

27 Pursuant to Civil Local Rule 79-5, as appropriate, redacted and unredacted versions of the
 28 above-listed document accompanies this Unopposed Administrative Motion. For the foregoing

1 reasons, Meta respectfully requests that the Court grant its Administrative Motion to Seal.

2
3 Dated: November 26, 2024

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CERTIFICATE OF CONFERENCE

I hereby attest that I spoke with counsel for Plaintiffs, who confirmed they do not oppose the relief sought in this motion. I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 26, 2024

COOLEY LLP

/s/Judd Lauter
Judd Lauter

Attorneys for Defendant
Meta Platforms, Inc.

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